

LEGISLATION FROM THE 2004 GENERAL ASSEMBLY SESSION
RELATED TO
LABOR AND INDUSTRY PROGRAMS

The following bills were passed by the General Assembly and approved by the Governor during the 2004 session of the General Assembly. These bills became effective on July 1, 2004. The Virginia Code section affected by the change is listed at the end of the bill description.

HB 687(Acts of the Assembly, Chapter 294) Allows the Commissioner authority to appoint a representative in the Labor Law or Apprenticeship programs as his designee. He has this authority under the occupational safety and health law, but it was not explicit in other areas. (§ 40.1-2 of the Code of Virginia)

SB 136(Acts of the Assembly, Chapter 163) Allows the Department to maintain the confidentiality requirements under the Health Insurance Portability and Accountability Act. This provides the ability to obtain the emergency responder reports from a work related injury or fatality necessary to do a complete VOSH investigation. (§ 40.1-8 and § 32.1-127.1:03 of the Code of Virginia)

SB165 (Acts of the Assembly, Chapter 166) Authorizes the Department of Taxation to enter into an agreement with DOLI to provide employer and employee information to facilitate the collection of wage claims. (§ 58.1-3 of the Code of Virginia)

SB 363 (Acts of the Assembly, Chapter 592) Transfers the Migrant Seasonal Farmworkers Board to Virginia Employment Commission (VEC). The VEC receives a federal grant that may be used to support these activities. (§§ 2.2-2407, 40.1-6 and 60.2-113 of the Code of Virginia)

SB 304(Acts of the Assembly, Chapter 686) Creates the position of Special Advisor for Workforce Development, which reports directly to the Governor. The Special Advisor will have policy and program responsibilities for several federal and state workforce training programs and resources administered within several different state agencies. (§ 2.2-435.1 of the Code of Virginia)

HB 472 (Acts of the Assembly, Chapter 358) Allows employers to deposit pay to a debit card account. Cash, checks, wire transfer of funds into an employee's account or a trust account on which the employee is a named beneficiary may be used. This bill changes trust account to a "prepaid debit card from which employee is able to withdraw electronically" with employee's consent. (§ 40.1-29 of the Code of Virginia)

SB 6002 Special Session II (Approved by Governor-Chapter 1, effective 7/13/04)

Day of rest laws; application to industry and business. Reinstates the business and industry exemptions to Virginia's day of rest laws. The bill corrects the error contained in legislation passed in the 2004 Session of the General Assembly that inadvertently removed these exemptions from the Code. The bill also states that it is the intent of the General Assembly that case law interpreting the meaning of the applicable exceptions in the former § 18.2-341 be considered applicable to this act. (§ 40.1-28.4:1 of the Code of Virginia)

Legislation carried over to the 2005 Session

The following bills were continued in committee to the 2005 session of the General Assembly

HB 526 Department of Workforce Development. Creates the Department of Workforce Development, which reports to the Secretary of Commerce and Trade. The Department will serve as the administrator and fiscal agent for the Workforce Development Program, which program includes nearly every federal and state workforce training program and resource available to the Commonwealth and now being administered within several different state agencies. (Carried Over)

Additional information on any of these bills or resolutions as well as other legislation considered during the 2004 session of the General Assembly can be found at the General Assembly web site – <http://legis.state.va.us>